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December 24, 2019

The Honorable Judge John G. Koeltl
United States Courthouse
500 Pearl Street
New York, NY 10007

APPLICATION GRANTED
SO ORDERED

12/27/19


John G. Koeltl, U.S.D.J.

Re: 1:19-cv-07189-JGK Plaintiff's Second Letter Motion for Extension of Time within Which to Effectuate Service on Defendant

Dear Judge Koeltl:

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, move for entry of an order extending the time within which Plaintiff has to serve the John Doe Defendant with a Summons and Complaint, and states:

1. Plaintiff commenced this action against the internet subscriber assigned IP 98.116.191.111 ("Defendant") on July 31, 2019, at which time it filed a complaint alleging that Defendant copied and distributed one or more of Plaintiff's copyrighted works, all without Plaintiff's consent. *See* CM/ECF 1. Plaintiff asserted a claim for direct copyright infringement, and requested that Defendant delete and permanently remove, and be enjoined from continuing to infringe, Plaintiff's copyrighted works. *See id.*

2. On September 3, 2019, Plaintiff was granted leave to serve a third-party subpoena on Defendant's ISP, Verizon, to obtain the Defendant's identifying information [CM/ECF 7]. Plaintiff issued the subpoena on September 8, 2019 and received the ISP's response on or about

November 18, 2019.

3. Upon receipt of the subscriber's identifying information, Plaintiff conducted a thorough investigation and determined that a good faith basis exists to name the subscriber as the defendant infringer.

4. Accordingly, Plaintiff filed its Amended Complaint to name the Defendant [CM/ECF 14] and requested that the Clerk issue a summons as to the Defendant. The Court issued the summons on December 16, 2019.

5. On or about December 19, 2019, Plaintiff sent the Summons and Amended Complaint to its process server. The process server is attempting to serve the Defendant at his home.

6. Pursuant to this Court's Order on Plaintiff's First Motion for Extension of Time Within Which It Has to Effectuate Service on John Doe Defendant, [CM/ECF 11], Plaintiff was required to effectuate service on the Defendant no later than December 23, 2019.

7. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until at least forty-five (35) days, or until January 27, 2020. The additional time will allow Plaintiff's process server to effectuate service.

8. This motion is made in good faith and not for the purpose of undue delay.

9. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Complaint on Defendant be extended until January 27, 2020. A proposed order is attached for the Court's convenience.

Dated: December 24, 2019

Respectfully submitted,

By: /s/ Kevin T. Conway
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CERTIFICATE OF SERVICE

I hereby certify that on December 24, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Kevin T. Conway

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		:	
MALIBU MEDIA, LLC,		:	
	Plaintiff,	:	Case No. 1:19-cv-07189-JGK
		:	Judge Koeltl
vs.		:	
YI-TING CHEN,		:	
	Defendant.	:	
-----X		:	

**ORDER ON PLAINTIFF’S SECOND MOTION FOR EXTENSION OF TIME WITHIN
WHICH IT HAS TO EFFECTUATE SERVICE ON DEFENDANT**

THIS CAUSE came before the Court upon Plaintiff’s Second Motion for Extension of Time Within Which it Has to Serve Defendant with a Summons and Complaint (the “Motion”), and the Court being duly advised in the premises does hereby:

ORDER AND ADJUDGE: Plaintiff’s Motion is granted. Plaintiff shall have until January 27, 2020, to effectuate service of a summons and Complaint upon Defendant.

SO ORDERED this ____ day of _____, 2019.

By: _____
UNITED STATES DISTRICT JUDGE